IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 26TH MARCH 2007 / 5TH CHAITHRA 1929

Crl.MC.No. 666 of 2007()

CC.15/2005 of JUDL. MAGISTRATE OF FIRST CLASS COURT-II,NEYYATTINKARA
CR.NO.111/2000 OF THIRUVALLAM POLICE STATION

.....

PETITIONER: PETITIONER

B.SURENDRA DAS, SON OF BHANU PANICKER,
SREE VISAKH, VANDITHADAM, VELLAYANI P.O.,
THIRUVANANTHAPURAM.

BY ADV. SRI.K.B.PRADEEP

RESPONDENT:

THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 26/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

Crl.M.C.No.666 of 2007

Dated this the 26th day of March 2007

O R D E R

The petitioner has come to this court with the prayer that the final report filed by the police and the consequent cognizance taken against him under Section 56(b) of the Kerala Abkari Act may be quashed. The only allegation against the petitioner is that he had let out a premises to accused 2 to 9 who were licensees of a toddy shop. The allegation is that the premises have been used as a toddy godown by the said licensees.

2. The learned counsel for the petitioner submits, the learned Public Prosecutor does not oppose the said prayer and I am satisfied that, in the total absence of any allegation that the petitioner was a licensee or an employee or an agent of the licensee, the charge under Section 56(b) of the Kerala Abkari Act cannot lie against the petitioner.

3. In the result, this Criminal Miscellaneous Case is allowed. C.C.No.15/05 pending before the Judicial First Class Magistrate Court -II, Neyyattinkara in so far as it relates to the petitioner is hereby quashed.

(R.BASANT, JUDGE)

jsr // True Copy//

PA to Judge

R.BASANT, J

C.R.R.P.No.

ORDER

21ST DAY OF JULY 2006